

FORM SUMMARY

Name of Form:	Order for Recoupment of Costs of Legal Services
Form Number:	JD-1762
Statutory Reference:	§§48.275, 938.275(2), Wisconsin Statutes and State Public Defender administrative rules.
Benchbook Reference:	JV 2 & 8
Purpose of Form:	To formalize an order for signature by the court official to order the parents to reimburse the state for costs of legal services provided to a juvenile by a publicly paid attorney.
Who Completes It:	Juvenile court clerk for signing by the court official.
Distribution of Form:	Original is filed with the court; copy to parents and clerk of court or other agency for creating a payment record.
Accompanying Forms:	Generally none.
New Form/Modification:	Modification; last update 12/02.
Modifications:	Added State Public Defender Office to the distribution.
Comments:	<p>Chapters 48 and 938 require the parents to reimburse the state for costs of legal services expended by the state on behalf of their child/juvenile. The only exceptions to this requirement are if the parent(s) were the complaining party or if ordering reimbursement would be "unfair."</p> <p>The recoupment is required regardless of whether there was adjudication. The statute requires only that the case is concluded. This would include conclusions through consent decrees, formal adjudications, stipulated dismissals, or even findings of not guilty.</p> <p>The State Public Defender has established by administrative rule the amount of reimbursement to be \$480 in juvenile felony matters and \$240 in all other matters, regardless of actual attorney costs. The court must enter this order at the conclusion of the proceedings, regardless of whether or not there is an adjudication. Parents who believe they are indigent may seek a determination by the State Public Defender but must do so within 30 days of the date of this order.</p> <p>Payment options are included as part of this order. Each court should:</p> <ul style="list-style-type: none">• establish the identity of the office to receive payments (clerk of court or juvenile clerk), and,• by local court rule, a standardized amount to be inserted for the monthly payment if the court does not wish to determine such an amount in each case. <p>Enforcement of the order is accomplished through ch. 785 contempt proceedings.</p>
About this form:	<p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</p>